

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LARRY E. WINDEKNECHT,

Plaintiff,

v.

DONNA ANDERSON, et al.,

Defendants.

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No. 4:25-CV-284 AGF

MEMORANDUM AND ORDER

This matter is before the Court upon self-represented Plaintiff Larry E. Windeknecht's motion for leave to commence this action without prepayment of the required filing fee. ECF No. 2. Having reviewed the motion and the financial information submitted in support, the Court will grant the motion and waive the filing fee. *See* 28 U.S.C. § 1915(a)(1).

The Court has also reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915 and 1915A. The complaint has been drafted on ten pages of notebook paper followed by 48 pages of attachments. ECF No. 1. Plaintiff indicates he is bringing this action pursuant 42 U.S.C. § 1983 against more than twenty defendants who are alleged to be employees of Sexual Offender Rehabilitation and Treatment Services ("SORTS"). The Court finds the complaint to be defective because it has not been drafted on a Court form. *See* E.D. Mo. Local Rule 2.06(A) ("All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms").

Because Plaintiff is proceeding without counsel, the Court will allow him the opportunity to file an amended complaint. Plaintiff has thirty (30) days from the date of this Order to file an amended complaint in accordance with the specific instructions set forth here.

Instructions for Filing an Amended Complaint

Plaintiff is warned that the filing of an amended complaint completely replaces the original complaint, and so it must include all claims he wishes to bring. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) (“It is well-established that an amended complaint supersedes an original complaint and renders the original complaint without legal effect”). Any claims from the original complaint that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.* Plaintiff must submit the amended complaint on a Court-provided form, and the amended complaint must comply with the Federal Rules of Civil Procedure. All claims in the action must be included in one centralized complaint form. *See* Fed. R. Civ. P. 7(a)(1), 8(a). Plaintiff should fill out the complaint form in its entirety. If the amended complaint is handwritten, the writing must be legible.

The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. Even *pro se* litigants are obligated to plead specific facts as to each named defendant and must abide by the Federal Rules of Civil Procedure. *See U.S. v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994); Fed. R. Civ. P. 8(a)(2) (complaint should contain short and plain statement of claims); Fed. R. Civ. P. 8(d)(1) (each claim shall be simple, concise, and direct); Fed. R. Civ. P. 10(b) (parties are to separate their claims within their pleadings and the contents of which shall be limited as far as practicable to a single set of circumstances). Plaintiff is required to set out not only his alleged claims in a simple, concise, and direct manner, but also the facts supporting his claims as to each named defendant.

In the “Caption” section of the Court-provided form, Plaintiff is advised to indicate the assigned case number of this action: Case No. 4:25-CV-284-AGF. Additionally, Plaintiff should clearly name every party he is intending to sue. Fed. R. Civ. P. 10(a) (“The title of the complaint

must name all the parties”). If there is not enough room in the caption, Plaintiff may add additional sheets of paper. However, all defendants must be clearly listed. Plaintiff must also indicate whether he intends to sue each defendant in his or her individual capacity, official capacity, or both.

In the “Statement of Claim” section, in separate, numbered paragraphs Plaintiff should set forth the specific factual allegations supporting his claim(s) against each defendant, as well as the constitutional right or rights that defendant violated. Alternatively, Plaintiff may choose a single defendant and set forth as many claims as he has against that defendant. *See* Fed. R. Civ. P. 18(a). **Plaintiff should only include claims that arise out of the same transaction or occurrence, or simply put, claims that are related to each other. *See* Fed. R. Civ. P. 20(a)(2). If Plaintiff is suing more than one defendant, he should proceed in the same manner with each one, separately writing each individual defendant's name and, under that name, in numbered paragraphs, the allegations specific to that particular defendant and the right(s) that defendant violated.** The allegations in the complaint must show how every defendant is directly responsible for the alleged harms. Plaintiff’s failure to make specific and actionable allegations against any defendant will result in that defendant's dismissal from this case.

If Plaintiff fails to file an amended complaint on the Court’s form within thirty days and in compliance with the Court’s instructions, the Court will dismiss this action without prejudice and without further notice. Because Plaintiff is proceeding *in forma pauperis*, Plaintiff is advised the Court will review the amended complaint under 28 U.S.C. §§ 1915 and 1915A, and related authority.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Larry E. Windeknecht’s motion for leave to commence this action without prepayment of the required filing fee [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk is directed to mail Plaintiff a copy of the Court's 'Prisoner Civil Rights Complaint under 42 U.S.C. § 1983' form.

IT IS FURTHER ORDERED that Plaintiff must file an amended complaint on the Court's form within **thirty (30) days** of the date of this Order. Plaintiff is advised that his amended complaint will take the place of his original filing and will be the only pleading that this Court will review.

IT IS FURTHER ORDERED that plaintiff's motion to add additional defendants with claims against them and additional exhibits [ECF No. 3] is **DENIED as moot**.

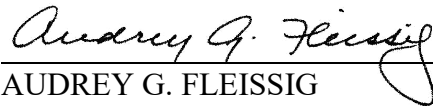
IT IS FURTHER ORDERED that plaintiff's motion for leave to amend his complaint [ECF No. 4] is **DENIED as moot**.

IT IS FURTHER ORDERED that plaintiff's supplemental motion for leave to proceed in forma pauperis [ECF No. 5] is **DENIED as moot**.

IT IS FURTHER ORDERED that plaintiff's motion for leave to file a supplemental complaint [ECF No. 8] is **DENIED as moot**.

If Plaintiff fails to comply with this Order, the Court may dismiss this action without prejudice and without further notice.

Dated this 16th day of May, 2025.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE